

Chairperson Bobby Gutierrez
Vice-Chairperson Leo Gonzalez
Parliamentarian Kevin Krolczyk

Commissioners
John Bush
Cathy Conlee
Kyle Incardona
Prentiss Madison
Reuben Marin
Robert Swearingen



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, OCTOBER 20, 2016 – 5:30 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein area a summarization of meeting procedures, not a verbatim transcription*

1. CALL TO ORDER.

Chairperson Gutierrez called the meeting to order at 5:41 pm.

Commissioners	Present	2016 Regular Meetings Held	2016 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attend During Last 6 Months
John Bush	Y	17	17	13	13
Cathy Conlee	Y	17	16	13	13
Leo Gonzalez	Y	17	13	13	11
Bobby Gutierrez	Y	17	17	13	13
Kyle Incardona	Y	17	14	13	11
Kevin Krolczyk	Y	17	14	13	11
Prentiss Madison	Y	17	16	13	13
Reuben Marin	Y	17	17	13	13
Robert Swearingen	Y	17	13	13	12

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.

Chairperson Gutierrez led the pledge.

3. HEAR CITIZENS.

No citizens came forward.

4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

Ms. Janis Hampton, City Attorney, advised that Commissioner Gonzalez has filed an affidavit for regular agenda item 6.a. and will not participate in discussion and voting on that item.

5. CONSENT AGENDA.

- a. **Approval of minutes from the special meeting on September 29, 2016**
- b. **Approval of minutes from the workshop and regular meetings on October 6, 2016.**
- c. **Master Plan MP16-04: Osborn Business Park Subdivision**
Proposed Master Plan of Osborn Business Park Subdivision, being 11.814 acres of land out of the John Austin League, A-2, and located at the east corner of Osborn Lane and Prairie Drive in Bryan, Brazos County, Texas. (S. Doland)
- d. **Final Plat FP16-16: Osborn Business Park Subdivision – Phase 1**
Proposed Final Plat of the Osborn Business Park Subdivision – Phase 1, being 11.814 acres of land out of the John Austin League, A-2, and located at the east corner of Osborn Lane and Prairie Drive in Bryan, Brazos County, Texas. (S. Doland)
- e. **Right-of-way Abandonment RA16-07: Alley in Block 135 of Bryan Original Townsite**
A request to abandon an approximately a 20-foot wide and 250-foot long public alley right-of-way extending east-to-west between South Parker and South Sims Avenues in Block 135 of Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

Commissioner Madison moved to approve the Consent Agenda. Commissioner Gonzalez seconded the motion, and the motion passed unanimously.

6. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).

- a. **Conditional Use Permit CU16-12: Charles and Anita Szabuniewicz**
A request for approval of a Conditional Use Permit, to allow a patio home development on property zoned Residential - Neighborhood Conservation District (R-NC), specifically on 1.225 acres of vacant land adjoining the southwest side of South Texas Avenue between East Brookside and Hensel Drives, being Lots 3 through 5 and 25 feet of Lot 2 in Block 3 of the North Oakwood Addition in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions from the Commission, Mr. Haynes stated that

- The applicant has not decided on the exact design of the proposed masonry fence
- Each lot will have a total of four parking spaces, though only two are required for lots of this size
- The development will be gated
- The homeowners' association has approved deed restriction waivers

The public hearing was opened.

Mr. Troy Moore, 150 Venture Drive, College Station, TX, agent for the applicant, came forward to speak in favor of the request. In response to questions from the Commission, Mr. Moore stated the following:

- An eight foot decorative, concrete, masonry fence is proposed
- Applicant intends to include irrigated landscaping in front of this fence, in accordance with TxDOT standards
- Fence will include wooden gates to allow for fire access

Ms. Leah Davis Rush, 503 E. Brookside Drive, Bryan, TX, spoke in opposition to the request. Cited concerns included:

- Difficulty in enforcing the deed restriction policy of each home having a single owner
- Parents buying patio homes for their students to live in
- Increase in noise
- Increase in traffic on Hensel Avenue

The public hearing was closed.

Commissioner Krolczyk moved to postpone consideration of this request until the Commission's regular meeting on November 17, 2016. Commissioner Madison seconded the motion.

Commissioners requested that the applicant submit detailed plans for the design of the proposed screening wall and landscaping along South Texas Avenue.

The motion passed unanimously.

7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ15-03: Adam Development Properties, LP

A request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Planned Development District (PD) to Planned Development – Mixed Use District (PD-M) on 409.75 acres of vacant land out of J.W. Scott League, A-49, adjoining the north side of Boonville Road between Copperfield Drive and University Drive East in Bryan, Brazos County, Texas. (M. Zimmermann).

Mr. Zimmermann presented the staff report (on file in the Development Service Department).

Staff recommends approval of the request.

In response to questions from the Commission, Mr. Zimmermann stated the following:

- The subdivision will be developed in phases
- There will be three entrances
- 97 property owners were notified, and staff received two phone calls for clarification and one email in response to the request, and met with one citizen to answer questions about the development

The public hearing was opened.

Ms. Lisa Johns, 330 Rayford Rd, Spring, TX, consultant for the applicant, came forward to speak in favor of the request and introduced of Mr. Marcos Rosales, General Counsel for Adam Development, Mr. Andrew Ball, Director of Real Estate for Adam Development, and Mr. Jeff Robertson, Project Engineer with McClure and Browne. Ms. Johns gave a presentation on the proposed development.

In response to questions from the Commission, Ms. Johns stated the following:

- There will be a hierarchy of trail types
- Neighborhood trails, community trails, and trails within the mixed-use development will be installed when the streets adjacent to them are paved
- The timing of the installation of greenbelt trails will be decided when the lots adjacent to them are platted
- The developer is responsible for building these trails

Mr. Neal and Melissa Lauder milk, 5210 Draycott Ct, Bryan, TX, and Mr. Keith Peters, 5207 Draycott Ct, Bryan, TX came forward to speak in opposition to the request. Cited concerns included:

- Increase in traffic and speeding on Canterbury Drive
- Safety of children walking to and from school
- Neighborhood security being compromised as additional points of entry to the Copperfield Subdivision are created
- Clearing and removal of green space for trail construction

In response to questions, Ms. Johns stated that greenbelt trails are meant to showcase the existing area and that the majority of trees will not be cleared, with the exception of those that impede drainage.

The public hearing was closed.

Commissioner Bush moved to recommend approval of Rezoning RZ15-03 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Conlee seconded the motion.

Commissioners stated that they respect and share the concerns being expressed and are excited about this development, and thanked staff for their work.

The motion passed unanimously.

b. Rezoning RZ16-19: Dalarm, LLC

A request to amend the development plan of a Planned Development – Housing District (PD-H), specifically to amend the development standards for freestanding subdivision identification signage on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19 as well as Common Areas 1 and 2 in Block 1 of North Campus Subdivision in Bryan, Brazos County, Texas. (M. Zimmermann).

Mr. Zimmermann presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions from the Commission, Mr. Zimmermann stated that the support structures for the sign will be located on two lots, and if the sign needs to be removed the associated cost will be divided in an equitable way among property owners.

The public hearing was opened.

Mr. Frank Dale, 4005 Southfork Rd, Southlake, TX, applicant in favor of the request, made himself available for questions.

In response to questions from the Commission, Mr. Dale suggested that the liability for the cost of removing the sign be placed with the homeowners' association.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ16-19 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Krolczyk seconded the motion.

Commissioners commented that the sign will look great and will be unique to this neighborhood, and thanked staff and developers for their work.

The motion passed unanimously.

c. Rezoning RZ16-20: BioCorridor Property Owners Association, Inc.

A request to amend the development plan of a previously-approved Planned Development – Mixed Use District (PD-M) to adopt size, design, construction and location standards for signage relating to the Stella Hotel and surrounding Atlas Lake Walk area, on 59.075 acres of land generally located northwest of the intersection of South Traditions Drive and HSC Parkway, being all of Phases 27 and 30 in The Traditions Subdivision and approximately 44 acres in the John H. Jones Survey, A-26, in Bryan, Brazos County, Texas. (R. Haynes).

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Incardona moved to recommend approval of Rezoning RZ16-20 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Gonzalez seconded the motion.

Commissioners cited the high quality development in the Traditions / BioCorridor area as being impressive and an asset to the community

The motion passed unanimously.

8. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS AND LOT STANDARDS) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).

a. Planning Variance PV16-16: Julie Davis

A request for approval of variances from the minimum 150-foot lot width generally required of lots zoned Agricultural - Open District (A-O), to allow the creation of two new lots proposed to have lot widths of 109 feet and 98 feet, respectively, on 8.4 acres of currently vacant, unsubdivided acreage in the John Austin League, A-2, located approximately 250 feet northwest of the intersection of Oak Forest Drive and Wood Oaks Drive in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Glenn Jones P.E., agent for the applicant, stated that the subject at hand was an issue of lot width and that the applicant is requesting lot widths that are as wide as or wider than over half of the lots in the adjacent Oak Forest Estates Subdivision. Mr. Jones stated that a flood study had been performed and that at the appropriate time it would be used to guide the development process. Mr. Jones offered to answer questions about the development should they arise.

Mr. Paul Kunz, 7101 Oak Forest Drive, Ms. Judy Winn, 7200 Oak Forest Drive, and Ms. Mary Hagan, 7096 Wood Oaks Drive came forward to speak in opposition to the request. Cited concerns included:

- The impact that would result in development of the property
- That there is only one access point to the subject property, and potential negative impacts
- Whether the property would be divided into two or three lots
- Concerns over recent severe flooding and the potential for an increase in harmful impacts
- That during a neighborhood meeting with the applicant, it was stated that the City of Bryan had a plan to mitigate flood impacts

In response to a question from the Commission, Mr. Haynes outlined the available options regarding development of private streets. Mr. Haynes also described the increased street standards required and the obligation of a home owner's association to maintain a private street.

The public hearing was closed.

Commissioner Conlee moved to deny the request for variance to lot width PV16-16, citing the lack of information available, specifically regarding flood mitigation, and a concern over pending legal disputes. Commissioner Incardona seconded the motion.

Commissioners commented on potential flooding issues, whether the potential for increased flooding had bearing on the request for lot width variance, the reasonableness of the request, and the right of a property owner to access their property.

The motion to deny the requested variance passed by a vote of 6-3 with Commissioners Marin, Bush and Gutierrez casting the votes in opposition.

9. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).

a. Replat RP16-37: Green Branch Ridge Subdivision – Phase 4

Proposed Replat of Lots 37R1 and 37R2 in Green Branch Ridge Subdivision- Phase 4, being 4.66 acres of vacant land adjoining the southwest side of Olivia Trail approximately 587 feet north of the intersection of Olivia Trail and Green Branch Loop in Bryan's eastern extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gonzalez moved to approve Replat RP16-37, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Krolczyk seconded the motion, and the motion passed unanimously.

10. ADJOURN.

Without objection, Chairperson Gutierrez adjourned the meeting at 7:30 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **17th** day of **November, 2016**.

Bobby Gutierrez, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, AICP
Planning Manager and Secretary to the
Planning and Zoning Commission

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